

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARLEA FRAZER,

Plaintiff,

v.

LOWE’S HOMES CENTERS, LLC,

Defendant.

Case No. 1:22-cv-00410-JLT-SAB

**ORDER DISCHARGING ORDER TO SHOW
CAUSE AND EXTENDING TIME TO FILE
DISPOSITIONAL DOCUMENTS**

(ECF Nos. 20, 21, 22, 23, 24, 25)

DEADLINE: SEPTEMBER 14, 2023

On May 3, 2023, the parties filed a notice of settlement of this action. (ECF No. 20.) “Upon such notification of . . . resolution of an action . . . the Court shall fix a date upon which the documents disposing of the action or motion must be filed, which date shall not be more than twenty-one (21) days from the date of said notification, absent good cause.” L.R. 160(b). The parties initially requested a deadline of June 15, 2023, to file dispositional documents, indicating Plaintiff is a Medicare beneficiary and that the parties anticipated there is a statutory lien which may take some time to receive. The Court found good cause to set the deadline on June 15, 2023, as requested. (ECF No. 21.)

On June 12, 2023, the parties filed a status report indicating that Plaintiff’s counsel is awaiting the statutory lien from Kaiser Permanente, or written confirmation that there is no lien asserted, and that Defendant cannot issue settlement checks until final confirmation is received

1 regarding the final amount of its lien. (ECF No. 22 at 1-2.) The parties requested an extension of
2 at least 30 days to file dispositional documents. Given the parties initially alerted the Court of
3 this potential delay, and filed the request well before the deadline, the Court found good cause to
4 extend the deadline for a period of 45 days. (ECF No. 23.) The Court's order issued June 12,
5 2023, expressly set the deadline to file dispositional documents for July 31, 2023. (Id.) The
6 deadline to file dispositional documents expired, and on August 1, 2023, the Court issued an
7 order to show cause why sanctions should not be imposed for the failure to file dispositional
8 documents by the deadline to do so. (ECF No. 24.)

9 On the same date as the order to show cause issued, August 1, 2023, the parties filed a
10 joint status report. (ECF No. 25.) The report indicates that the on July 28, 2023, the parties were
11 notified that there is in fact a statutory lien and that the statutory lienholder is a federal health
12 plan, based on Plaintiff's retirement as an IRS employee. The parties apologize for missing the
13 deadline to file dispositional documents, and state it was an oversight by all parties. The parties
14 request an additional forty-five (45) days from July 31, 2023, to file dispositional documents.
15 The Court finds good cause to discharge the order to show cause and grant the requested
16 extension of time.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The order to show cause issued on August 1, 2023, (ECF No. 24), is
19 DISCHARGED; and
- 20 2. The parties shall file dispositional documents on or before **September 14, 2023**.

21 IT IS SO ORDERED.

22 Dated: **August 2, 2023**

23 
24 UNITED STATES MAGISTRATE JUDGE